

July 6, 2004

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, July 6, 2004 at 6:00 p.m. in the Courthouse Annex VI Superior Courtroom, 116 South Broad Street, Monroe, Ga. Those present included Chairman Kevin Little, Commissioners Clinton Ayers, Michael Turner, Phil Green, Lamar Palmer, Gerald Atha and John Robinson, County Clerk Leta Talbird, County Attorney Ken Lander and Planning Director Mike Martin. A list of citizens and other employees in attendance at this meeting is on file in the auxiliary file under this meeting date.

Chairman Little called the meeting to order at 6:04 p.m. and led those present in the Pledge of Allegiance. Commissioner Ayers opened the meeting in prayer.

Commissioner Ayers made a motion to adopt the agenda as presented, moving executive session to the beginning of the meeting. Commissioner Palmer seconded the motion. All voted in favor.

At 6:05 p.m., Commissioner Ayers made a motion, seconded by Commissioner Green, to enter into executive session to discuss litigation. Commissioners Ayers, Turner, Green, Palmer Atha & Robinson voted in favor.

At 6:44 p.m., Commissioner Green made a motion, seconded by Commissioner Turner, to return to regular session. Commissioners Ayers, Turner, Green, Palmer Atha & Robinson voted in favor. No votes were taken while in executive session.

The Board considered Planning Commission recommendations to deny the following amendments to the WC Land Development Ordinance: OA04040008-An Ordinance to amend Article 4 Part 3 Section 160, OA04040009-An Ordinance to amend Article 4 Part 2 Section 120 B (4) C & OA04040011-An Ordinance to amend Article 4 Part 1 Section 140 E (1). Planning Director Mike Martin explained that the aforementioned amendments dealt with different code sections defining lot size requirements with the availability of sewer. Chairman Little opened the public hearing on the amendments. John Bagley, Alex Mitchem and George Baker, III expressed their concerns over the proposed amendments. Kirby Atkins spoke in favor of the proposed amendments. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the amendments. After further discussion, Commissioner Ayers withdrew his motion. Charna Parker of the Planning & Development Office further explained that the amendments would clarify lot size requirements for lots with sewer availability in all zoning districts. Commissioner Ayers made a motion to approve the amendments. Commissioner Atha seconded the motion. Commissioners Ayers, Turner, Green, Palmer and Atha voted in favor of the motion. Commissioner Robinson opposed the motion. The motion carried 5-1.

The Board considered proposed Environmental Health Ordinances. Commissioner Green made a motion to proceed with the process of drafting the ordinances. Commissioner Palmer seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to R-1 w/ Green Space Overlay for Central Georgia Development. The effected property, owned by the Sackett Estate, is located on Troy Smith Road and is further identified on

WC Tax Map C 74, Parcel 44. The purpose of the request is to rezone 113.50 acres to R-1 with Green Space Overlay for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. David Willett came before the Board in support of the rezone. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone with the stipulation that if the development goes 100 lots or over, a second entrance will be added. Commissioner Turner seconded the motion. All voted in favor.

Commissioner Ayers made a motion to amend the agenda, adding item 8.03 – discussion or ordinance changes. Commissioner Green seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-2 to R-1 for JCD Enterprises, Inc. The effected property, owned by James C. Dukes, Tommie Dukes, John & Sherri Cook, Troy & Sandi Maughon and John & Wanda Jones, is located on Centerville Rosebud Road and is further identified on WC Tax Map C 1, Parcels 5, 5A, 5B and 5C. The purpose of the request is to rezone 19.7 acres to R-1 for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. Matt Benson, representing the applicant, came before the Board in support of the rezone. He reserved the applicant's Constitutional rights for the record. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone conditioned upon the sight distance at the proposed entrance being verified by the Roads & Bridges Department and the Planning & Development Department and conditioned upon verification, in writing, that the water line is sufficient to supply water to the development. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to A for J. Earl Eisner. The effected property is located at 5220 A.B. Martin Road and is further identified on WC Tax Map C 200, Parcels 7 & 8. The purpose of the request is to rezone 148 acres to A for production of nursery plants. Chairman Little opened the public hearing on the matter. The applicant was not present to support the request. Planning Director Mike Martin stated that request meets the review guidelines. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the rezone. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from R-2 to B-2 for Dew Properties, LLC. The effected property is located at 1838 U.S. Hwy. 78 and is further identified on WC Tax Map C 75, Parcel 163. The purpose of the request is to rezone 1.00 acre to B-2 to rent as retail or professional. Chairman Little opened the public hearing on the matter. Carol Dew came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone with the stipulation that all engineering has to be done to convert the property from a residence to a business. Commissioner Atha seconded the motion; voted and carried unanimously.

Carol Dew requested withdrawal of a rezone request from R-2 to B-2 on 1.00 acre located at 1846 U.S. Hwy. 78. Commissioner Ayers made a motion to approve the withdrawal of the request. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to R-1 with Green Space Overlay for J. Harold & Thomas C. Shepherd. The effected property is located on Ammons Bridge Road and is further identified on WC Tax Map C 99, Parcel 10. The purpose of the request is to rezone 149.75 acres to R-1 with Green Space Overlay for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. Iva Hoyle, landscape architect for Patrick McNally, came before the Board in support of the rezone on behalf of the applicant. Kirby Atkinson spoke in opposition, submitting a challenge to the zoning application. Ray Ewell, representing The Downs at Ammons Bridge Subdivision, stated that the development should be comparable to The Downs. Chairman Little closed the public hearing on the matter. Commissioner Green made a motion to approve the rezone with the conditions recommended by the Planning Commission: 1. Dwellings shall have a minimum of 2,000 square feet of heated living space for one-story and 2,500 square feet of heated living space for two-story exclusive of area within a basement. 2. Provide a minimum of 50-foot front setback from the proposed right of way. 3. All dwellings shall have side entry double-car garages. Rear entry garages will also be permitted. 4. Homes located on interior lots to be constructed with brick, stone, stucco or wood on a minimum of three sides with the balance of the home being constructed of concrete type siding. No vinyl siding. 5. Homes located on lots along Ammons Bridge Road to be constructed with brick, stone, stucco or wood on all four sides. 6. All utilities shall be located underground. 7. Provide sidewalks along both sides of interior streets. Commission Green further moved to condition the rezone upon minimum lot sizes of 30,000 square feet. Commissioner Ayers seconded the motion. After further discussion, all voted in favor of the motion.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 with Open Space Conservation Overlay for McCullers Development, Inc. The effected property, owned by Hymer T. Maddox, is located on Garrett Road and is further identified on WC Tax Map C 61, Parcels 79, 81 Split and 84 Split. The purpose of the request is to rezone 55 +/- acres to R-1 with Open Space Overlay for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. Attorney Gene Benton, representing the applicant, came before the Board in support of the rezone. Mr. Benton submitted a letter reserving the applicant's Constitutional rights for the record. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to R-1 with Green Space Overlay for Loganville Professional Builders, Inc. The effected property, owned by James Mozingo, Catherine Phillips and William & Carol Davenport, is located on South Sharon Church Road and is further identified on WC Tax Map C 12, Parcels 38, 39 & 40. The purpose of the request is to rezone 80.89 acres to R-1 with Green Space Overlay for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. Attorney Gene Benton, representing the applicant, came before the Board in support of the rezone. Mr. Benton submitted a letter reserving the applicant's Constitutional rights for the record. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone conditioned upon houses being a minimum of 2,000 square feet of heated living space as agreed upon by the applicant and that the 4 lots identified as encroaching in the buffer zone be adjusted where encroachment does not occur. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to R-1 for County Line Development, LLC. The effected property, owned by David Burchfield, is located at 5949 GA. Hwy. 20 SW and is further identified on WC Tax Map C 7, Parcels 10 & 11. The purpose of the request is to rezone 24 +/- acres to R-1 for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. Dave Gravette came before the Board in support of the rezone. He stated that the applicant would ask the Board or the Walton County Water Authority to enter into an intergovernmental agreement with Gwinnett County for sewer services. Norma Billingsley spoke in opposition to the rezone, citing issues with high-density development within the Big Haynes Creek Watershed, increased traffic, and water pressure as concerns. She stated that the effected property backs up to Brushy Fork Creek that directly feeds the reservoir in Rockdale County and she wants to make sure the buffers are good there. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone as an R-1 one-acre development whether it is sewer or not and that there be a 50 ft. buffer on the side with two rows of staggered 7gallon Leyland Cypress 8 ft. on center along GA. Hwy. 20, and a 6 ft. opaque privacy fence along the Moon property. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use request for a guesthouse for Yvonne Copeland. The effected property is located at 2594 Bermuda Court and is further identified on WC Tax Map N 48A, Parcel 4. Chairman Little opened the public hearing on the matter. Yvonne Copeland came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion, seconded by Commissioner Turner, to approve the request. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use request for a guesthouse for Bodie & Lori Dickerson. The effected property is located at 4460 Bay Creek Road and is further identified on WC Tax Map C 39, Parcel 48 A. Chairman Little opened the public hearing on the matter. Bodie Dickerson came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion, seconded by Commissioner Turner, to approve the request. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use request for a church expansion for Union Chapel United Methodist Church. The effected property is located on Pannell Road and is further identified on WC Tax Map C 168, Parcel 14 A. Chairman Little recused himself on the matter and Vice-Chairman Robinson presided. Vice-Chairman Robinson opened the public hearing on the matter. Chip McGaughey, representing the applicant, came before the Board in support of the request. There was no one present in opposition. Vice-Chairman Robinson closed the public hearing on the matter. Commissioner Palmer made a motion to approve the request. Commissioner Atha seconded the motion. All voted in favor.

At 8:00 p.m., Commissioner Atha exited the meeting.

The Board considered a Planning Commission recommendation to approve an amendment to the WC Land Development Ordinance OA04050002 – Amending Article 11 to add Part 9 – General Construction Site Waste Management Ordinance. Commissioner Robinson made a motion to approve

the amendment. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve an amendment to the WC Land Development Ordinance OA04050022 – Amending Article 9, Section 100 – Minimum Right Of Way And Road Widths Table. Commissioner Green made a motion, seconded by Commissioner Palmer, to approve the amendment. All voted in favor.

The Board considered beginning the process of amending the WC Land Development Ordinance regarding lots with sewer availability in A-1 and A-2 zoning districts. Planning Director Mike Martin reviewed proposed changes with the Board. Mr. Martin also asked the Board to consider amendments to add Residential Neighborhood Developments as an Overlay District and to change the required distance of kennel fencing to 100 feet from any property line. Commissioner Robinson made a motion to go forward with the process of amending the WC Land Development Ordinance as proposed by Mr. Martin. Commissioner Green seconded the motion; voted and carried unanimously.

Commissioner Robinson made a motion to accept the right of way on Emerald Pointe in Emerald Pointe Subdivision. Commissioner Palmer seconded the motion. All voted in favor.

Jeff May spoke during the public comment segment of the meeting.

At 8:10 p.m., Commissioner Ayers made a motion, seconded by Commissioner Palmer, to adjourn the meeting.

All documents of record for this meeting are on file in either the addendum book or auxiliary file under this meeting date.

KEVIN W. LITTLE, CHAIRMAN

LETA P. TALBIRD, CLERK

CLINTON AYERS, DISTRICT 1

MICHAEL TURNER, DISTRICT 2

HARRY P. GREEN, DISTRICT 3

LAMAR PALMER, DISTRICT 4

GERALD ATHA, DISTRICT 5

JOHN ROBINSON, DISTRICT 6